

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EMMETT W. CALDWELL,)
)
)
Plaintiff, pro se,) **ORDER**
)
)
v.)
)
)
DURHAM AREA TRANSIT) 1:09CV628
AUTHORITY (DATA),)
)
)
)
Defendant.)

On August 21, 2009, United States Magistrate Judge Trevor Sharp filed a Recommended Ruling in this case [Doc. # 3]. Judge Sharp recommended that Plaintiff's Motion to Proceed *in forma pauperis* under 28 U.S.C. § 1915(e)(2)(B) [Doc. # 1] be granted and that Plaintiff's Complaint [Doc. # 2] be dismissed with prejudice. Because there were no objections to the Recommendation, review is only for clear error. 28 U.S.C. § 636(b). Finding no error, the Court adopts in full the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Plaintiff's motion to proceed *in forma pauperis* is GRANTED and that Plaintiff's Complaint is DISMISSED WITH PREJUDICE. A judgment dismissing this action will be entered

contemporaneously with this Order.

This the 13th day of April, 2011.

/s/ N. Carlton Tilley, Jr.

Senior United States District Judge